

Pub. L. 104-186, title II, §221(9)(B), Aug. 20, 1996, 110 Stat. 1749, authorized Committee on House Oversight of the House of Representatives to establish 114 civilian support positions for the Capitol Police, provided for functions, compensation, and classification of positions, provided procedures for appointments to positions and that as each position was filled there would be abolished one position of private on Capitol Police, provided that positions would be filled by individuals in Capitol Police positions so abolished, that all positions would be filled by the end of the One Hundred Second Congress, and that at least 50 of such positions would be filled not later than the end of the first session of such Congress, and authorized Committee on House Oversight to prescribe regulations to carry out this provision.

#### DIRECTOR OF EMPLOYMENT PRACTICES UNDER CAPITOL POLICE BOARD

House Resolution No. 420, One Hundred First Congress, June 26, 1990, made permanent law Pub. L. 101-520, title I, §105, Nov. 5, 1990, 104 Stat. 2262, and amended by Pub. L. 104-186, title II, §221(9)(C), Aug. 20, 1996, 110 Stat. 1749, established the position of Director of Employment Practices with respect to members of the Capitol Police, at the appropriate rate of pay under level HS-11 of the House Employees Schedule, with payment from amounts appropriated for the Capitol Police, such appointment to be made by the Capitol Police Board, subject to prior approval of the Committee on House Oversight, without regard to political affiliation and solely on basis of fitness to perform functions of the position.

#### GENERAL COUNSEL TO CHIEF OF CAPITOL POLICE

House Resolution No. 661, Ninety-fifth Congress, July 29, 1977, made permanent law Pub. L. 95-391, title I, §111, Sept. 30, 1978, 92 Stat. 777, and amended by Pub. L. 104-186, title II, §221(9)(A), Aug. 20, 1996, 110 Stat. 1749, established the position of General Counsel to the Chief of the Capitol Police, for duty under the House of Representatives, at a per annum gross rate of compensation which is equal to the rate in effect from time to time for HS level 10, step 1, of the House Employees Schedule, such appointment to be made by the Capitol Police Board, subject to the prior approval of the Committee on House Oversight, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

#### CROSS REFERENCES

Library of Congress special police, see section 167 of Title 2, The Congress.

Removal or suspension of Capitol police officer, see section 208 of this title.

Secret Service Uniformed Division, see section 202 et seq. of Title 3, The President.

Supreme Court Police, see section 13f of this title.

### § 206-1. Capitol Police; compensation of Chief

The Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.

(Pub. L. 96-152, §1(c), Dec. 20, 1979, 93 Stat. 1099.)

#### EFFECTIVE DATE

Section effective Feb. 1, 1980, see section 7 of Pub. L. 96-152, set out as an Effective Date of 1979 Amendment note under section 206 of this title.

### §§ 206a to 206a-8. Omitted

#### CODIFICATION

Sections, which related to establishment of additional positions on the Capitol Police for duty under

the House of Representatives, were based on House Resolutions that were made permanent law, and have been omitted as of limited interest. These House Resolutions and the acts that made them permanent law are listed in a note set out under section 206 of this title.

### § 206b. Emergency duty overtime pay for Capitol Police from funds disbursed by the Chief Administrative Officer of the House of Representatives

#### (a) Entitlement of officer or member

Each officer or member of the United States Capitol Police force—

(1) whose pay is disbursed by the Chief Administrative Officer of the House of Representatives; and

(2) who performs duty in addition to the number of hours of his regularly scheduled tour of duty beginning on or after July 1, 1974;

is entitled (subject to such rules and regulations as the Capitol Police Board may prescribe) to receive compensation as a result of performing such duty pursuant to the order of proper authority, or to receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to receive such compensation only upon a determination of the Capitol Police Board with respect to the additional hours of duty of such officer.

#### (b) Determination of rate of compensation

Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to—

(1) in the case of an officer, his hourly rate of compensation; or

(2) in the case of a member, one and one-half times his hourly rate of compensation.

The hourly rate of compensation of an officer or member shall be determined by dividing the annual rate of compensation of the officer or member by 2,080.

#### (c) Written election by officer for compensation or compensatory time off for additional hours of duty

Any officer or member entitled to receive compensation for additional hours of duty shall make a written election with respect to his additional hours of duty which shall designate whether such officer or member desires to receive—

(1) compensation for additional hours of duty; or

(2) compensatory time off for additional hours of duty subject to approval of the Chief and the Capitol Police Board.

#### (d) Certification procedure for additional compensation

Compensation which officers and members are entitled to receive under this section shall be made upon certification by the Chief of the Capitol Police at the end of each calendar quarter to the Capitol Police Board, and upon the transmission of approval from the Capitol Police Board to the Committee on House Oversight of the House of Representatives.

#### (e) Transfer of accrued compensatory time off or receipt of lump-sum payment upon termination of service

No officer or member may, upon the termination of his service as an officer or member of

the United States Capitol Police force, transfer accrued compensatory time off for application with respect to his employment by any other department, agency, or establishment of the Federal Government or the District of Columbia. No officer or employee may, upon such termination, receive any lump-sum payment with respect to such accrued compensatory time off.

**(f) Definitions**

For purposes of this section—

(1) the term “officer” includes all personnel of the rank of lieutenant or higher, including inspector; and

(2) the term “member” includes all personnel below the rank of lieutenant, including detectives.

(Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 636; Pub. L. 93–245, ch. VI, § 600, Jan. 3, 1974, 87 Stat. 1079; Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 104–186, title II, § 221(10), (11), Aug. 20, 1996, 110 Stat. 1750.)

**CODIFICATION**

Subsecs. (a) to (f) of this section are based on section 3 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92–184, as amended by H. Res. No. 398, Ninety-third Congress, June 4, 1973, eff. Jan. 3, 1974, enacted into permanent law by Pub. L. 93–245, and H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93–554.

Subsec. (g) of this section was based on section 3 of H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93–554, and was repealed by Pub. L. 104–186, title II, § 221(11)(B), Aug. 20, 1996, 110 Stat. 1750. See 1996 Amendment note below.

As originally codified, this section consisted of two undesignated pars. based on sections 3 and 5 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92–184. Section 5 of H. Res. No. 449 was superseded by section 3 of H. Res. No. 1309, formerly set out as subsec. (g) of this section, and was subsequently repealed by Pub. L. 104–186, title II, § 221(11)(B), Aug. 20, 1996, 110 Stat. 1750.

**AMENDMENTS**

1996—Subsec. (a)(1). Pub. L. 104–186, § 221(10), substituted “Chief Administrative Officer” for “Clerk”.

Subsec. (d). Pub. L. 104–186, § 221(11)(A), substituted “House Oversight” for “House Administration”.

Subsec. (g). Pub. L. 104–186, § 221(11)(B), struck out subsec. (g) which read as follows: “There shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to make payments of overtime pay under the provisions of this section.”

**§ 206c. Emergency duty overtime pay for Capitol Police from funds disbursed by Secretary of the Senate; compensatory time off in place of additional pay; election, accrual and transfer of time off; rules and regulations**

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who performs duty in addition to the number of hours of his regularly scheduled tour of duty for any day on or after July 1, 1974, is entitled to be paid compensation (when ordered to perform such duty by proper authority) or receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to such compensation

only upon a determination made by the Capitol Police Board with respect to any additional hours. Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to his hourly rate of compensation in the case of an officer, and at a rate equal to one and one-half times his hourly rate of compensation for a member of such force. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Any officer or member entitled to be paid compensation for such additional hours shall make a written election, which is irrevocable, whether he desires to be paid that compensation or to receive compensatory time off instead for each such hour. Compensation due officers and members under this paragraph shall be paid by the Secretary, upon certification by the Chief of the Capitol Police at the end of each calendar quarter and approval of the Capitol Police Board, from funds available in the Senate appropriation, “Salaries, Officers and Employees” for the fiscal year in which the additional hours of duty are performed without regard to the limitations specified therein. Any compensatory time off accrued and not used by an officer or member at the time he is separated from service on the Capitol Police force may not be transferred to any other department, agency, or establishment of the United States Government or the government of the District of Columbia, and no lump-sum amount shall be paid for such accrued time. The Capitol Police Board is authorized to prescribe regulations to carry out this section.

(Pub. L. 92–51, July 9, 1971, 85 Stat. 130; Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93–371, § 5, Aug. 13, 1974, 88 Stat. 430.)

**AMENDMENTS**

1974—Pub. L. 93–371 generally amended provisions relating to payment of emergency duty overtime pay and inserted provisions relating to election by officers or members entitled to compensation for additional duty of either payment of such compensation or compensatory time off in place of any additional pay, and provisions setting forth duties of the Capitol Police Board with respect to approval of additional compensation payments and promulgation of rules and regulations for implementing this section, effective July 1, 1974.

1973—Pub. L. 93–145 inserted “inspectors,” before “captains”.

**§ 207. Payment of Capitol Police**

The said police shall be paid on the order of the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, or of either of them. (R.S. § 1822.)

**CODIFICATION**

Provisions of R.S. § 1822 relating to composition and pay rates of the Capitol police were omitted as obsolete and superseded.

R.S. § 1822 derived from acts Mar. 30, 1867, ch. 20, § 1, 15 Stat. 11; Mar. 3, 1871, ch. 113, § 1, 16 Stat. 477.

**CROSS REFERENCES**

Pay during suspension, see section 209 of this title.

**§ 207a. Unified payroll administration for Capitol Police**

Payroll administration for the Capitol Police and civilian support personnel of the Capitol Po-